

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA)
)
)
) Case No. 1:06CR00046
)
v.)
)
)
RODNEY EDWARD STEWART,)
) By: James P. Jones
) United States District Judge
)
)
)
Defendant.)

For the reasons set forth in the Opinion accompanying this Final Order, it is
ORDERED as follows:

1. The defendant's Motion for Reconsideration (ECF Nos. 163 & 164) is DENIED, and the motion is CONSTRUED as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255;
3. The Clerk is DIRECTED to redocket the motion (ECF No. 296) as a § 2255 motion;
4. The § 2255 motion is hereby DENIED without prejudice as successive and stricken from the active docket; and

5. A Certificate of Appealability is DENIED, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: June 4, 2012

/s/ James P. Jones
United States District Judge